

**4.4.11-1 INTRODUCTION**

As the Portageville Bridge Project is a federally funded project, the Project is subject to review pursuant to Section 106 of the National Historic Preservation Act of 1966 (NHPA) as implemented by federal regulations appearing in 36 CFR Part 800. This chapter evaluates and documents the Portageville Bridge Project's effects on historic properties pursuant to Section 106, including historic resources and archaeological resources. The chapter identifies historic resources and archaeological resources in the area of potential effects for the Project; effects on such resources; measures to avoid, minimize, and mitigate adverse effects to such resources; and coordination undertaken with the New York State Historic Preservation Office (SHPO), appropriate federally recognized Indian tribes, and approved Section 106 Consulting Parties. Construction impacts are also discussed in Chapter 4.5, "Construction Effects."

The location of the Project is in Letchworth State Park, in Livingston and Wyoming Counties, New York. Letchworth State Park is listed on the New York State and National Registers of Historic Places (S/NRHP). Letchworth State Park has a long and rich history, containing such prominent natural features as the Genesee River and gorge, and cultural resources associated with Native American occupation and historic period settlement, including William Pryor Letchworth's estate, early transportation uses, and park development. The Portageville Bridge, or Portage High Bridge, is a contributing resource in the park's S/NRHP listing.

Based on the proposed funding and regulatory approvals initially anticipated for the Project, a Draft Environmental Impact Statement (DEIS) was previously prepared pursuant to the New York State Environmental Quality Review Act (SEQRA), with the New York State Department of Transportation (NYSDOT) as the lead agency. The DEIS was published in November 2012, with a public review period held from November 26, 2012 through February 1, 2013 and a public hearing in January 2013. The Project's potential impacts on historic properties were assessed as part of the SEQRA DEIS in accordance with the New York State Historic Preservation Act (SHPA) of 1980, as set forth in Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. Subsequent to that process, the Project was determined to qualify as an undertaking subject to Section 106 review, as a result of federal funding through the Congestion Mitigation and Air Quality improvement (CMAQ) program.

The cultural resource studies and analyses conducted under Section 14.09 provide the basis for completing review of the Project under Section 106, as both laws require similar procedures to identify historic properties and evaluate potential impacts. In addition, consultation with the SHPO and outreach to Indian tribes and the public, initiated under Section 14.09, has continued under Section 106 in coordination with the other environmental reviews, including the DEIS prepared in accordance with the National Environmental Policy Act (NEPA).

## 4.4.11-2 METHODOLOGY

### 4.4.11-2-1 Regulatory Context

#### *National Historic Preservation Act—Section 106*

Section 106 of the NHPA mandates that federal agencies consider the effect of their actions on any properties listed in or determined eligible for listing on the National Register of Historic Places (NRHP, “historic properties”) and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings. Section 101(d)(6)(B) of the NHPA requires the lead federal agency to consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by the undertaking. The lead federal agency shall ensure that consultation in the Section 106 process provides the federally recognized Indian tribes with an interest in the project location a reasonable opportunity to identify their concerns about historic properties, advise on the identification and evaluation of properties, including those of religious and cultural importance, articulate its views on the undertaking’s effects on such properties, and participate in the resolution of adverse effects.

The lead federal agency, in consultation with the SHPO and appropriate Consulting Parties, must determine whether a proposed action would have any adverse effects on historic properties within the area of potential effects. Section 106 requires consultation with the SHPO, federally recognized Indian tribes that might attach religious and cultural significance to historic properties affected by the Project, and additional Consulting Parties with a demonstrated interest in the Project based on a legal or economic relation to affected properties, or an interest in the Project’s effects on historic properties. In addition, the ACHP may elect to participate in consultation for the resolution of adverse effects.

Revised Section 106 regulations became effective in January 2001, with amendments effective in August 2004. The basic steps of the Section 106 process, as revised, are as follows:

- In consultation with the SHPO, the federal agency establishes an area of potential effects (APE) for the Project, carries out appropriate steps to identify historic properties within the APE, and, in consultation with the SHPO, applies the National Register Criteria for Evaluation for those properties that have not been previously evaluated for NRHP eligibility. For properties of religious and cultural significance to participating Indian tribes, the federal agency also consults with the Tribal Historic Preservation Officer (THPO) or designated tribal representative to assess eligibility.
- If historic properties are identified, the federal agency, in consultation with the SHPO, applies the Criteria of Adverse Effect (36 CFR 800.5(a)(1)) to identified historic properties within the APE, taking into consideration any views provided by the public, Indian tribes, and other Consulting Parties. In general, an adverse effect is found if the Project may cause a change in the characteristics of the historic property that qualify it for inclusion in the NRHP. The federal agency notifies the SHPO, ACHP, participating Indian tribes, and other Consulting Parties of its finding and provides supporting documentation meeting standards outlined in the Section 106 regulations.
- If the assessment finds that the proposed project would have an adverse effect, consultation continues among the SHPO, ACHP, and other Consulting Parties to seek measures that would avoid, minimize, or mitigate adverse effects on historic properties. These measures are typically implemented through a Memorandum of Agreement (MOA) that outlines agreed-upon measures to resolve adverse effects on historic properties.
- Execution of the MOA and implementation of its terms satisfy Section 106 requirements, and the project proceeds under the terms of the MOA.

The Federal Highway Administration (FHWA), as the lead agency, issued a notice in the Federal Register on October 31, 2013 advising the public of the preparation of a DEIS and initiating the Section 106 process. In November 2013, NYSDOT in coordination with FHWA conducted outreach to identify participants in the Section 106 process.

- In coordination with review under Section 14.09, representatives of the Seneca Nation, Tonawanda Seneca Nation, and Tuscarora Nation were invited to a meeting that was held on September 9, 2010 (prior to the initiation of the NEPA DEIS), which was attended by representatives of the Seneca Nation.
- Subsequent to the identification of federal involvement, FHWA initiated government-to-government consultation with the Seneca Nation of Indians, the Tonawanda Seneca Nation, and the Tuscarora Nation.
- NYSDOT reached out to selected individuals and organizations with a regional interest in historic preservation concerns, or a previous expression of interest in the Project, inviting them to apply for Consulting Party status.
- A NEPA public scoping meeting held in Mt. Morris, New York on November 19, 2013, informed the public of the opportunity to participate in the Section 106 consultation process.

Based on review of submitted statements of interest in Section 106 consultation, NYSDOT recommended, and FHWA approved, the following individuals and organizations to serve as Consulting Parties: Friends of the Genesee Valley Greenway; Historic Bridges.org; the Landmark Society of Western New York; and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). Other participants in Section 106 consultation for this Project include the SHPO, Norfolk Southern (as the Project applicant), NYSDOT, and FHWA.

Section 106 requirements to provide information about the Project's effects on historic properties, and to seek public input, are being met in coordination with public involvement conducted for the NEPA Environmental Impact Statement (EIS) process, including notifying the public about the Project and allowing for public comment and participation. In addition to preliminary information on the Section 106 process provided at the Project's November 19, 2013 NEPA public scoping meeting, the Section 106 Finding Documentation and Draft MOA are included in this DEIS in **Appendix C**. A public hearing will be held during the DEIS public comment period, and members of the public can offer oral testimony on the findings of the DEIS. Written comments will also be accepted.

The full extent of the public participation efforts being conducted for the Project is described in greater detail in Chapter 4.1 ("Process, Agency Coordination, and Public Participation"). Chapter 4.1 includes a summary of all substantive comments received on the Project during the public review period for the SEQRA DEIS published in November 2012. Chapter 4.1 and Appendix H, "Agency Correspondence" of the SEQRA DEIS detail correspondence with the SHPO, Indian tribes, and the public, including organizations subsequently granted Consulting Party status by FHWA pursuant to Section 106. This information is available on the Project's website, as described in Chapter 4.1.

#### *Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966*

The Project is subject to Section 4(f) of the U.S. Department of Transportation Act, which prohibits the Secretary of Transportation from approving any program or project that requires the "use" of (1) any publicly owned parkland, recreation area, or wildlife and waterfowl refuge of national, state, or local significance; or (2) any land from a historic site of national, state, or local significance (collectively "Section 4(f) resources"), unless there is no feasible and prudent alternative to the use of such land and such program or project includes all possible planning to minimize harm to the park, recreation area, wildlife refuge, or historic property.

Section 4(f) historic sites are identified through the Section 106 process. A Section 4(f) Evaluation is provided in Chapter 5 of this DEIS, in accordance with 23 CFR Part 774.

*State Historic Preservation Act—Section 14.09*

The New York State Historic Preservation Act (SHPA) was established as a counterpart to Section 106 of the NHPA and declares historic preservation to be the public policy and in the public interest of New York State. SHPA closely resembles Section 106, and requires that state agencies consider the effect of their actions on properties listed on or determined eligible for listing on the State Register of Historic Places (SR). Projects being reviewed pursuant to Section 106 of the NHPA (and 36 CFR Part 800) do not require review in accordance with Section 14.09 (SHPA § 14.09(2)). As discussed above, the Project's documentation and evaluation of historic properties prepared pursuant to SHPA served as the basis for meeting obligations under Section 106. Since federal funding is now anticipated for the Project, the review of the Project's effects on historic properties is being undertaken in accordance with Section 106 and, therefore, the Project is not being reviewed under Section 14.09 of the SHPA.

**4.4.11-2-2 Definition of the Area of Potential Effects**

Section 106 requires federal agencies to establish a project APE, which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking. Following the screening of potential alternatives that was conducted in the NEPA scoping process, an APE was developed for the Preferred Alternative that is evaluated in this EIS. The APE was developed in consultation with the SHPO, based on proposed work activities and the Project's potential to affect historic properties, including potential direct and indirect effects caused by the proposed Project. Potential effects of the Project would be related to the construction of a new Genesee River rail crossing to the south of the existing bridge, construction of new bridge approaches on either side of the replacement bridge, removal of the existing Portageville Bridge, and the removal, relocation, or alterations of features within Letchworth State Park, including the Park Road, Highbridge Parking Area, and two trailheads.

In general, as defined by 36 CFR 800.5(a)(2)), potential adverse effects on historic resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the NRHP in a manner that would diminish the integrity of the property's significant historic features. Archaeological resources may be affected by construction activities resulting in disturbance to the ground surface such as excavation, grading, pile-driving, cutting and filling, and staging. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

The Project has one APE, which is bisected by the Genesee River and includes areas on its eastern and western sides. To facilitate the analysis of effects, the APE has been subdivided to indicate the area in which the proposed Project could cause potential direct effects and the area in which it could cause indirect effects. The portion of the Project APE in which there is the potential for the proposed Project to cause direct effects consists of the limits of ground disturbance for the Project, which encompasses the existing railroad bridge alignment, areas of proposed construction to the north and south including the area of the new railroad right-of-way for the bridge approaches as well as the area affected by the relocation of a portion of Park Road and the Highbridge Parking Area and areas affected by temporary construction activities.

The portion of the Project APE in which indirect effects could occur encompasses an area within approximately 500 feet, ¼ mile, and ½ mile of the direct effects area. The APE includes areas that would have the most proximate and unobstructed views to the Project and areas where the replacement bridge could potentially adversely affect the character or setting of historic properties. In total, the Project APE encompasses areas that would be directly affected within Letchworth State Park, areas to the north and south in the park that would have the most proximate views and relationship with the elements of the park to be altered by the Project, and areas outside the park to the east that could fall within visual and audible range of the Project. Beyond the APE, the Project would not be anticipated to alter the character or setting of historic properties as distance, topography, and view obstructing vegetation decreases the potential for adverse visual, audible, or atmospheric effects. The APE is depicted in **Figures 4.4.11-1 and 4.4.11-2**.

#### **4.4.11-2-3 Identification of Historic Properties in the APE**

Section 106 regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the NRHP. Historic properties include those of traditional religious or cultural importance to an Indian tribe and that meet the NRHP criteria (36 CFR 800.16 (l)(1)).

Criteria for inclusion in the NRHP are listed in the Code of Federal Regulations, Title 36, Part 63. Districts, sites, buildings, structures, and objects are eligible for the NRHP if they possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- A. Are associated with events that have made a significant contribution to the broad patterns of history;
- B. Are associated with significant people;
- C. Embody distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. May yield [archaeological] information important in prehistory or history.

Properties less than 50 years old are not ordinarily eligible.

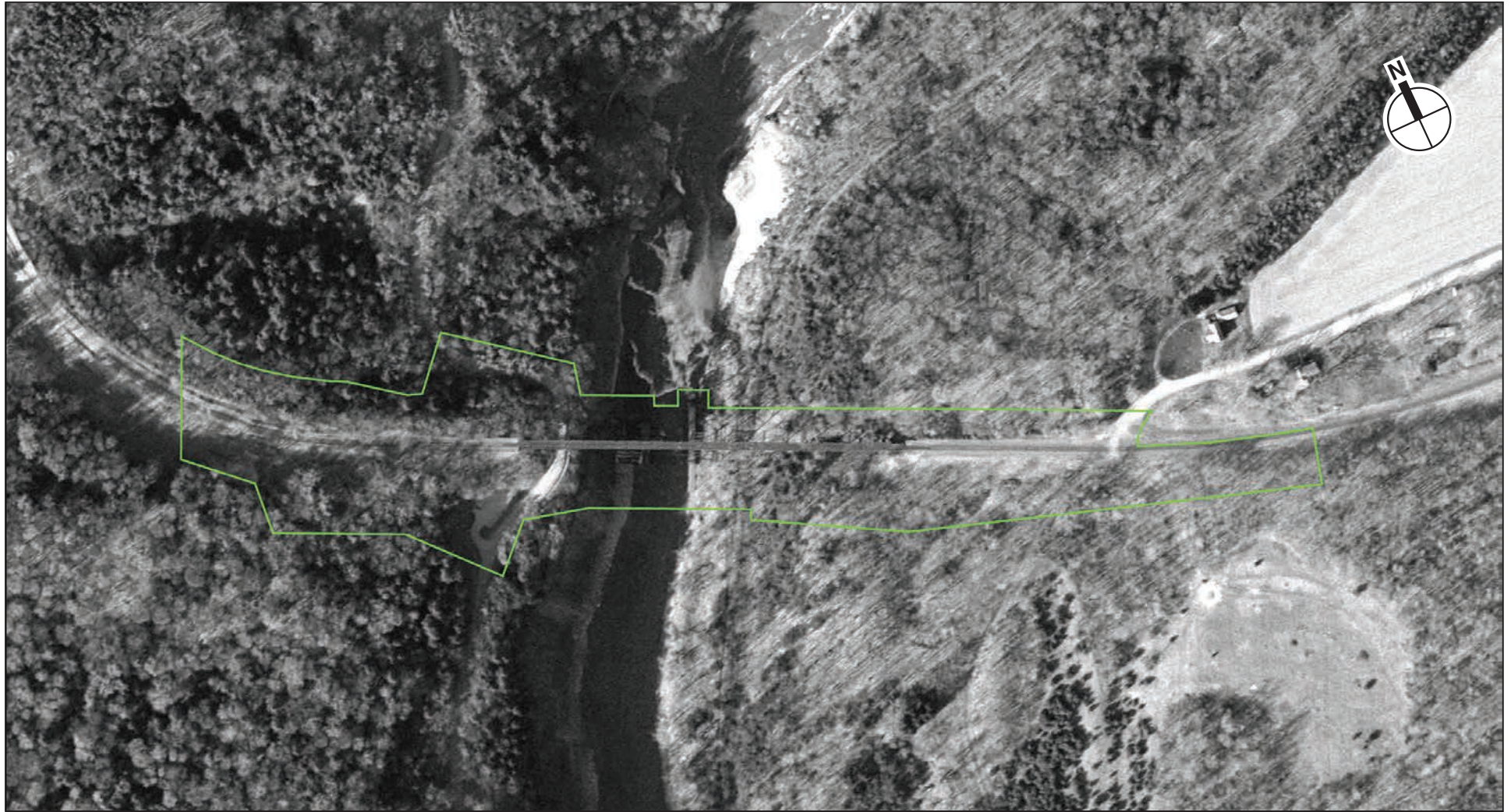
#### *Historic Resources*

Once the APE was determined, a list of historic properties within the APE was compiled. Information on resources previously listed in or determined eligible for listing on the S/NRHP were collected from the SHPO's inventory of historic properties, housed in Waterford, New York. The National Park Service's list of National Historic Landmarks was also consulted. The only historic property identified in the APE is Letchworth State Park, with the bulk of the APE located in the park.

A field survey and documentary research to identify if there were buildings, structures, or objects of potential S/NRHP significance that had not previously been identified were also undertaken in the portion of the APE outside the boundaries of Letchworth State Park by an architectural historian who meet the National Park Service Professional Qualification Standards for Architectural History, codified under 36 CFR Part 61. No such resources were identified.

A description of Letchworth State Park, including the characteristics for which it was determined significant, is provided in Section 4.4.11-3, "Existing Conditions."

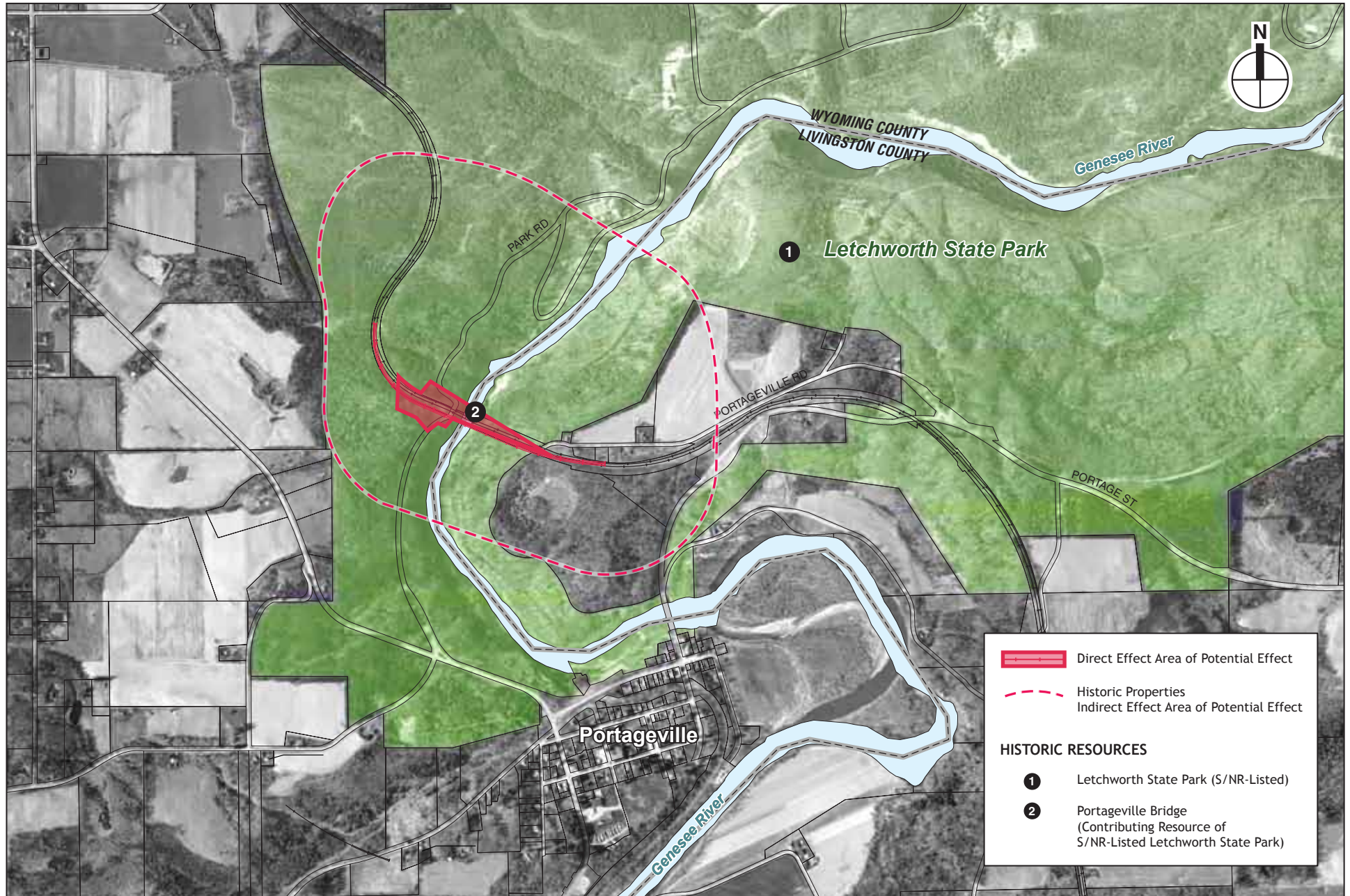




Archaeological Resources Area of Potential Effect

0 200 400 FEET  
SCALE





Area of Potential Effect and Locations of Historic Properties  
Figure 4.4.11-2

### *Archaeological Resources*

Due to the known Native American and historical use of the area and presence of cultural resources within Letchworth State Park, a series of archaeological investigations were undertaken in the direct effects portion of the APE to establish presence or absence of previously undocumented archaeological resources based on the standards of the *New York State Education Department Cultural Resources Survey Program Work-Scope Specifications for Cultural Resources Investigations (NYSED 2004)* and *Standards for Cultural Resources Investigations and the Curation of Archaeological Collections* prepared by the New York Archaeological Council (1994) and endorsed by the OPRHP. Investigations to identify archaeological resources were conducted in two stages, consisting of Phase I (determining the presence of archaeological resources through documentary research and field testing), and Phase II (collecting sufficient data to evaluate NRHP eligibility).

A summary of the findings of the archaeological investigations is provided in Section 4.4.11-3, "Existing Conditions."

## **4.4.11-3 EXISTING CONDITIONS**

### **4.4.11-3-1 National and State Heritage Area Program**

A list and map of National Heritage Areas and State Heritage Areas were consulted.<sup>1,2</sup> There are no National or State Heritage Areas on or in the immediate vicinity of the Project APE.

### **4.4.11-3-2 Historic Resources**

#### *Letchworth State Park*

The only historic resource identified in the Project APE is Letchworth State Park. The Project is located within the boundaries of Letchworth State Park. The park contains approximately 14,345 acres on both sides of the Genesee River. The Genesee River follows a meandering course, some 17 miles long, through deeply cut canyons, with three large waterfalls, the Upper, Middle, and Lower Falls located in the park at its southern end (see **Figures 4.4.13-5 and 4.4.13-7** of Chapter 4.4.13, "Visual Resources").

Letchworth State Park was listed on the New York State Register of Historic Places on June 16, 2003 under provisions of the SHPA. The park was listed on the NRHP on November 4, 2005 under provisions of the NHPA. The NRHP Registration Form for the park is included in **Appendix C**. The park meets NRHP criteria A, B, C, and D and is significant at local, state, and national levels<sup>3</sup>:

- Criterion A: Letchworth State Park is significant in the categories of agriculture, conservation, engineering, recreation/preservation, entertainment/recreation, ethnic heritage, exploration/settlement, industry, military, science, social history, and transportation.
- Criterion B: Significant persons associated with Letchworth State Park include William Letchworth and Mary Jemison.

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<sup>1</sup> <http://www.nps.gov/history/heritageareas/vst/index.htm>.

<sup>2</sup> <http://nysparks.state.ny.us/historic-preservation/heritage-areas.aspx>.

<sup>3</sup> The description of the NRHP criteria for which Letchworth State Park has been determined significant is taken from the NRHP Registration (Nomination) Form for Letchworth State Park, Section 8, June 16, 2003, pp. 1-10.



- Criterion C: Letchworth State Park is significant in the category of architecture for the range of historic building types, styles, and construction techniques represented throughout the park that reflect multiple layers of history; is significant in the category of art for the statue of Mary Jemison at the Council House Grounds; is significant in the category of engineering for structures in the park including the Genesee Valley Canal, the Portage High Bridge, the Mount Morris Dam, and roads, bridges, and trails built by the Civilian Conservation Corps; and is significant in the category of landscape architecture for its distinctive examples of landscape design spanning from 1860 through the 1940s.
- Criterion D: The area of the park was historically occupied by early pre-Iroquoian Native Americans, through the Seneca period, and into the era of settlement and transportation development by European Americans. Letchworth State Park is a significant resource under Criterion D for both precontact and historic archaeological remains of Native American settlements, and historic resources from the European settlement period. There are 15 known archaeological sites in the park, with the potential for other precontact and historic period resources.

The NRHP nomination includes 338 inventoried contributing resources located in the park. These include resources that span a period of significance from 1000 B.C. to 1952. **Figure 4.4.11-2** maps the boundaries of Letchworth State Park (shown as Resource No. 1). According to the NRHP nomination, the contributing resources of the park include resources from the following historical eras:

- Native American Era (pre-1792)
- Settlement Era (ca. 1792-1850)
- Transportation: Canal (ca. 1836-1878) and Railroad (ca. 1851-present) Eras
- William Pryor Letchworth Era (1859-1907)
- Civil War Era (1862)
- American Scenic & Historic Preservation Society Era (1907-1930)
- New York State Park Era (1930-Present)

Park elements that are identified as contributing resources include archaeological sites, as well as built features such as remaining portions of the Genesee Valley Canal, trails, roads, overlooks, culverts, stone walls, footbridges, and parking lots (see **Figures 4.4.13-4 through 4.4.13-10** in Chapter 4.4.13, “Visual Resources”). There are a number of contributing structures throughout the park, including the Glen Iris Inn, comfort stations, contact stations, administrative and other park buildings, cabins, bathhouses (pools), and picnic shelters (see **Figure 4.4.11-3**). Smaller features also include historic markers and stone posts, water fountains, picnic tables, benches, and fireplaces. The Portage High Bridge is also identified as a contributing resource, as discussed in more detail below. The NRHP nomination also includes 137 non-contributing properties.

The Genesee River Valley region was occupied by the Seneca tribe, including the land in which the park is located. The Seneca settled in three areas within what are now the park boundaries: on the east side of the Genesee River between the Lower Falls and Portageville, and on the west side of the river north of the Lower Falls and toward the north end of the park. During the Revolutionary War, a number of Seneca villages were destroyed, with the land on the east side of the river confiscated by New York as punishment for the Seneca tribe’s alliance with the British. The Treaty of Big Tree signed in 1797 established a number of reservations for the Seneca, two of which—the Squawkie Hill and Gardeau Reservations—were located partially within the modern park boundaries. However, all the Seneca’s land rights were eliminated by the Treaty of Buffalo Creek in 1826, by which the land, including the reservations, was sold.



Glen Iris Inn



Stone House at Inspiration Point

The east and west sides of the Genesee River were settled by Europeans at the turn of the 19th century, primarily by speculators and settlers. The first settlement of Portageville was established in 1807, with subsequent industry and development including sawmills, gristmills, with inns and churches soon following. Sometime after 1836, construction of the Genesee Valley Canal commenced on the east side of the river. Its goal was to provide a navigable canal from the Erie Canal in Rochester through the Genesee Valley to the Allegany River.

The canal, completed in 1863, was never financially successful and was abandoned in 1878. In 1880, the canal property was sold to the Genesee Valley Canal Railroad (later part of the Pennsylvania Railroad). In 1851, construction of the Attica and Hornellsville Railroad (later part of the Erie Railroad) was completed with the exception of a crossing at the Genesee River. This crossing was accomplished the next year through the construction of a wooden high bridge. Excursion trains allowed passengers to get out and walk out onto the bridge. Destroyed by fire in 1875, the wooden bridge was replaced by the current iron bridge, the Portage High Bridge, described in greater detail below.

William Pryor Letchworth is the most significant figure associated with the park's history. Letchworth, a Buffalo merchant, purchased over 1,000 acres of land around the park's three waterfalls in 1859, constructing a home—Glen Iris—on the west side of the river in what is now the south end of the park. Letchworth was a social reformer and follower of the picturesque movement, and was also dedicated to conservation of natural resources and Native American heritage, as seen by his retention of the Seneca's Council House ground buildings, and erection of a monument in honor of Mary Jemison (see **Figure 4.4.11-4**).<sup>4</sup>

Mr. Letchworth deeded the lands to the State of New York in 1907, and the park was established four years later. His home, a two- and three-story clapboard house, now operates as the Glen Iris Inn, with remnants of the original historic landscaping, including stonework, trees, and shrubs, still present.

Between 1910 and 1930, the original 1,000 acres of parkland were administered by the American Scenic and Historic Preservation Society (ASHPS). The ASHPS made changes to facilitate automobile access, including construction of comfort stations, new parking areas, and expansion of the road system. During the 1920s and 1930s, the park was expanded through the acquisition of land toward the north and along the east side of the Genesee River. During the Great Depression, the Civilian Conservation Corps, instituted by President Roosevelt in 1933, made numerous improvements to the park. New planning and landscaping tactics were employed to separate recreational and wilderness areas, and to screen the recreational areas from the roads. New trails were built and additional roads constructed to extend access into the north end of the park.

In 1944, a flood control dam was authorized to be built on the Genesee River, 17 miles downstream (north) of the Lower Falls. The dam, Mt. Morris Dam, was completed in 1951 at the north end of the park. During 1960s, the park system was restructured. During the 1950s through the 1970s, the large influx of visitors to the park led to the construction of additional recreational facilities, including camping facilities and cabins, as well as expanded roadways. Today, Letchworth State Park is under the jurisdiction of OPRHP.

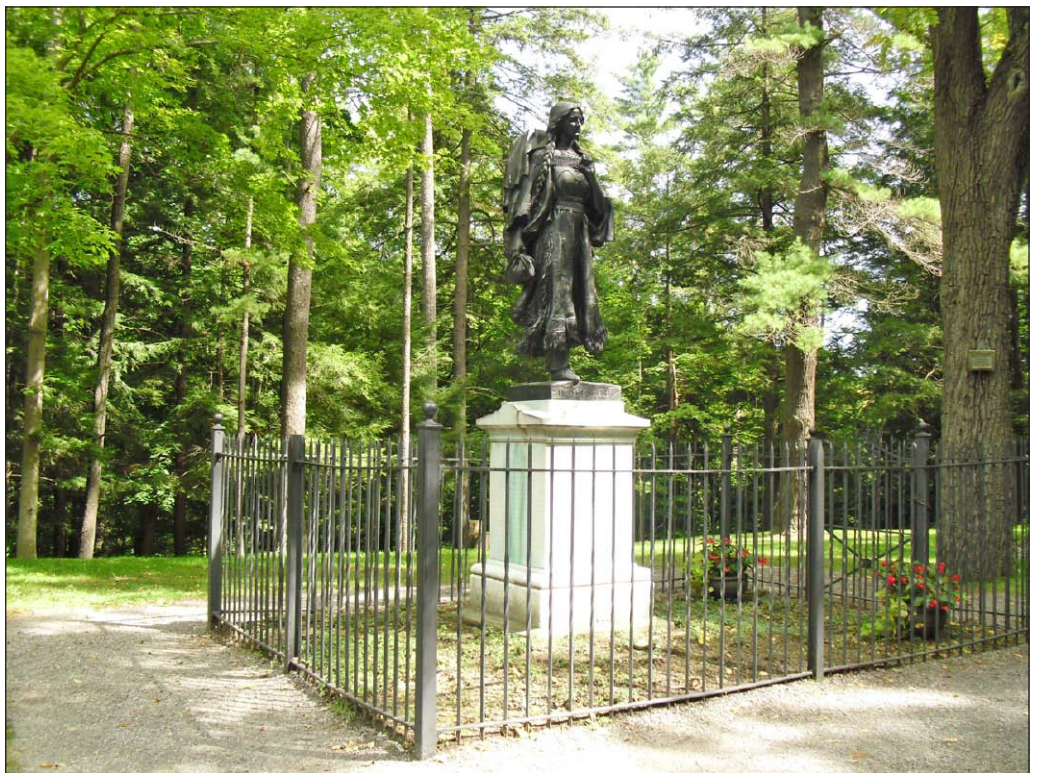
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<sup>4</sup> Mary Jemison had been taken captive by the Seneca and adopted into the Seneca Tribe. The log house she had built for her daughter was purchased by Letchworth and moved to the Council House Grounds on his estate. He also had her body moved to the Council House Grounds for reinterment. In addition, Deh-ga-wa-nus Falls, or "Two Falling Voices," located under Gorge Trail near the Upper Falls, is named after Mary Jemison.





Council Grounds



Monument to Mary Jemison, Council Grounds

## Architectural Resources – Letchworth State Park

Figure 4.4.11-4



*Contributing Resources of Letchworth State Park in the Direct Effects Portion of the APE*

- Portageville Bridge (Portage High Bridge)

The Portage High Bridge was built in 1875, replacing an earlier wood bridge that was destroyed by fire. The Portageville Bridge operates as part of Norfolk Southern's Southern Tier route (see Resource No. 2 on **Figure 4.4.11-2**). The bridge is an 819-foot-long steel viaduct carrying a single railroad track approximately 245 feet above the Genesee River gorge (see **Figure 4.4.11-5** and Figure 4.4.13-4 of Chapter 4.4.13, "Visual Resources"). The bridge is listed as a contributing element in the NRHP nomination for Letchworth State Park.

The bridge was designed by engineer George Morison, and built in a few months by the Watson Manufacturing Company of Paterson, New Jersey. The bridge was built with a single track, and composed of 13 cast and wrought iron Pratt deck trusses. It was built with approximately 1.3 million pounds of iron. The trusses were carried on six large towers, two of which are set in masonry piers in the river and four on the river banks. The bridge has subsequently undergone several alterations. In 1903-04 the superstructure was replaced, with only the bents and masonry piers retained. Approximately 260 tons of the original iron was replaced with new steel. The bridge was subsequently reinforced and modified during the 1940s. The bridge presently consists of ten plate-girder spans, and three Pratt deck trusses.

- Trails

Portions of two trails that are contributing resources to the park's S/NRHP listing fall within the direct effects portion of the APE (see **Figure 4.4.11-5**). The Gorge Trail runs approximately seven miles along the west bank of the Genesee River. The trail is one of the oldest in the park, and originated as a footpath of the Seneca Indians during the 1700s. The trail is bordered by stone walls and has stone stairs at various points. The trail provides vistas of the Genesee River gorge, its waterfalls, and in a number of locations, the Portageville Bridge.

The Mary Jemison Trail extends west from a small parking lot (the Highbridge Parking Area) located west of Park Road and just south of the Portageville Bridge, also on the west bank of the Genesee River. It is a gravel and dirt path constructed on what was once originally farmland that extends 2.5 miles from the parking lot to a site known as the Council Grounds, primarily through woodland. The trail is named after Mary Jemison, taken captive by the Seneca and eventually incorporated into the tribe, who is a significant person associated with the National Register listing of Letchworth State Park.

- Roads

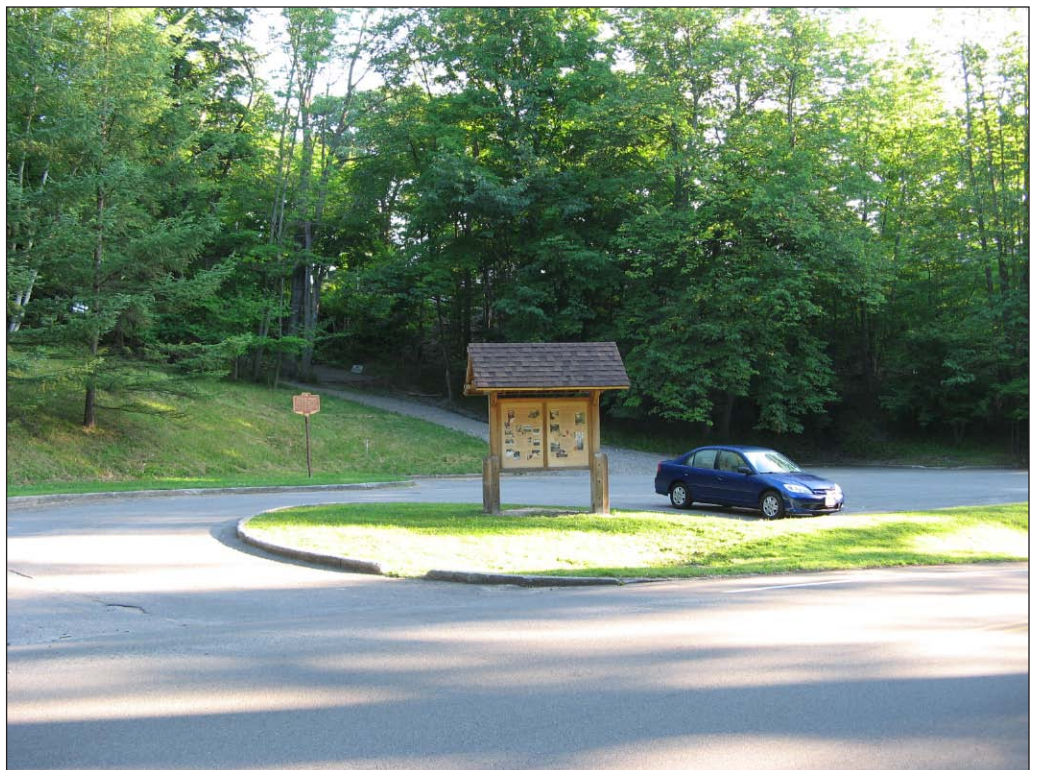
The main park road (known as Park Road) is a contributing element of Letchworth State Park, with the southern portion of the road originally laid out by William Letchworth and the American Scenic and Historic Preservation Society (see **Figure 4.4.11-5**). It is a paved two-lane road bordered by low fieldstone walls that crosses beneath the Portageville Bridge in the APE.

- Parking Lots

The small Highbridge Parking Area located west of Park Road and south of the Portageville Bridge, located partially in Norfolk Southern's right-of-way, is a contributing resource to Letchworth State Park. The parking lot is paved and was constructed before 1940 (see **Figure 4.4.11-5**). The parking lot provides access to the beginning of the Gorge Trail located across Park Road, and to the beginning of the Mary Jemison Trail, which is accessed from the west end of the parking lot.



View north of the Park Road near the Highbridge Parking Area. The Portageville Bridge crosses above the road. The head of the Gorge Trail (Trail #1) is on the right



View northwest of the Highbridge Parking Area. The historic bridge marker and head of the Mary Jemison Trail (Trail #2) are also visible

## Contributing Resources in Letchworth State Park

Figure 4.4.11-5

- Historic Markers

A historic marker is located at the small Highbridge Parking Area near the Portageville Bridge (see **Figure 4.4.11-5**). The marker consists of a metal sign set on a wood post that reads “Portage Bridge Replaces Largest Wooden Bridge in the World Built in 1852. 300 acres of Timber used in Construction. Burned in 1875.” The marker indicates it was installed by the State Education Department in 1935.

- Fieldstone Walls

Fieldstone walls were built by William Letchworth, the American Scenic and Historic Preservation Society, the Civilian Conservation Corps, and the Genesee State Park Region throughout the park, including those that border Park Road and the Gorge Trail in the APE (see **Figure 4.4.11-5**).

*Contributing Resources of Letchworth State Park in the Indirect Effects Portion of the APE*

The Glen Iris Inn, built by William Letchworth, is located approximately ½ mile north of the Portageville Bridge on the west side of the Genesee River. It is a two- and three-story frame house built in the mid-19th century and designed in the Greek Revival style (see **Figure 4.4.11-3**). The house has a wrap-around two-story colonnaded porch and has a gable roof. The Glen Iris Inn has a large lawn lined with trees. A stone terrace faces the Genesee River gorge, and provides an overlook above the Middle Falls. The Portageville Bridge is partially visible from this location, above and behind the tree canopy of the Upper and Middle Falls Picnic Area located to the southeast. The bridge is not visible from other locations at the Glen Iris Inn, including the lawn and colonnaded porch. Other contributing elements associated with the Glen Iris Inn include a metal plaque honoring William P. Letchworth, located above the Middle Falls on the low stone wall bordering the Glen Iris Inn overlook. The plaque reads “In Grateful Memory of William Pryor Letchworth L.L.D. Humanitarian Conservationist Donor of Glen Iris and His Estate Comprising the Original 1000 of the Park Includes Upper, Middle, and Lower Falls so that this Gorge Might Remain a Place of Inspiration and Beauty Forever.” A number of parking lots associated with the Glen Iris Inn and landscaping elements, including memorial trees, are also contributing elements.

On the east side of the Genesee River, the Genesee Valley Greenway/Finger Lakes Trail (Trail #7) runs along the gorge. The path follows the route of the former Pennsylvania Railroad, and railroad ties and also remnants of the preceding Genesee Valley Canal system are visible. The trail and elements of the former Genesee Valley Canal, including railroad remains, are contributing elements of the park. The Genesee Valley Greenway Trail crosses under the Portageville Bridge. In most other locations, the Portageville Bridge is not visible due to trees and dense vegetation.

Other contributing resources in the indirect effects portion of the APE include stone walls, scenic overlooks, including those at the Middle Falls and at Glen Iris, and elements associated with the Upper and Middle Falls picnic areas, located north of the Portageville Bridge. These include comfort stations and picnic shelter built in 1929/1930, stone picnic tables and water fountains, and stone steps leading from the upper to lower parts of the picnic areas. The large paved Upper and Middle Falls parking lot is also a contributing element constructed circa 1930. The Portageville Bridge is visible from the edge of the Upper and Middle Falls picnic area along the gorge (see **Figure 4.4.13-7** in Chapter 4.4.13, “Visual Resources”), but has a limited visibility from within the interior portions of this recreational area due to trees and dense vegetation that obscure most views.

#### 4.4.11-3-3 Archaeological Resources

A Phase I Cultural Resources Reconnaissance Survey Report was prepared for the APE for direct effects. Based on the conclusions of the Phase I report, Phase II archaeological investigations were undertaken. The Phase I Cultural Resource Reconnaissance Survey was conducted by Hartgen Archeological Associates, Inc. in August 2009. Following completion of that report, as the Project design evolved, its disturbance footprint expanded, and additional areas that then fell within the APE for direct effects were subject to Phase IB field investigations. The results of these subsequent investigations were summarized in an Addendum to the Phase I report, also prepared by Hartgen Archeological Associates, Inc., dated June 20, 2012. The Phase I reports concluded that the east portion of the APE (on the east side of the Genesee River in Livingston County) was sensitive for 19th and 20th century historic-period archaeological resources.

Phase II archaeological investigations were completed in November 2010, and the results of the Phase II testing were summarized in an End of Fieldwork Letter dated January 27, 2011 and in a subsequent Phase II Archaeological Investigation report dated April 2011. The Phase II archaeological investigations were designed to define site boundaries, including to determine the vertical and horizontal limits of the site, and to collect sufficient archaeological data for an assessment of NRHP eligibility of the archaeological resources identified by the Phase I report in the APE on the east side of the Genesee River. Within the APE to the west of the Genesee River, no archaeological resources were identified as a result of field investigations.

The results of these investigations are summarized below.<sup>5</sup> The SHPO has concurred with the findings of the archaeological investigations.<sup>6</sup>

##### *Pre-Contact Archaeological Resources*

In general, the occupation of the Genesee River Valley has been well documented for the entire prehistoric period prior to European Contact including the Paleo-Indian, Archaic, and Woodland periods (ca. 9,000 years B.C. through A.D. 1600). The location and proximity of the APE to previously identified pre-Contact archaeological sites suggest a moderate to high sensitivity for pre-Contact archaeological resources within the boundaries of the APE. Shovel test pits (STPs) excavated on the east side of the Genesee River during the Phase I survey uncovered two prehistoric artifacts (a stone flake and a prehistoric tool fragment) which were recovered from a disturbed context on the north side of the existing bridge berm. Testing in another location as part of the Phase II investigations, also on the east side of the Genesee River, uncovered a small assemblage of pre-Contact material consisting of 13 chert trim flakes (waste material associated with stone tool manufacture). Both deposits represent discrete and isolated finds with a limited horizontal and vertical distribution. Therefore, the pre-Contact deposits were not identified as NRHP-eligible.

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<sup>5</sup> Cultural Resource Reconnaissance Survey Report of Norfolk Southern Railroad Bridge Crossing, Towns of Genesee Falls and Portage, Wyoming and Livingston Counties, New York, prepared by Hartgen Archeological Associates, Inc., August 2009. Phase II Archaeological Investigation, Norfolk Southern Railroad Crossing, Cascade House Historic Site (A05113.000072), Town of Portage, Livingston County, New York, prepared by Hartgen Archeological Associates, April 2011. Letter Report: Addendum Phase 1B Archeological Investigation, Additions to the Norfolk Southern Portage Railroad Bridge Footprint, Towns of Genesee Falls and Portage, Wyoming and Livingston Counties, NY, HAA 4159-21 (08PR04896), prepared by Hartgen Archeological Associates, Inc., June 20, 2012.

<sup>6</sup> In a letter dated September 24, 2010, the SHPO concurred with the recommendations of the Phase I report. The SHPO also concurred with the recommendations of the Addendum for the additional Phase IB field investigations in a letter dated September 4, 2012. In a letter dated May 23, 2011, the SHPO concurred with the findings of the Phase II report and indicated that the research potential of the Cascade House in the APE has been exhausted and that they have no further concerns with respect to archaeological resources.



### *Historic-Period Archaeological Resources*

The Revolutionary War in the late 18th century brought about the end of Native American occupation of the Genesee River. After the war ended, towns were established in the area and development quickly changed the landscape. The fertile soils lining the Genesee River were among the most attractive lands for the new population.

Settlement of the eastern and western sides of the river began in the early 19th century, increased with the extension of the Genesee Valley Canal into the area in the 1840s. In response to the influx of people brought by the new rail lines established in the area by the Erie Railroad, an inn known as the Cascade House was established within or immediately adjacent to the APE on the east side of the river. The Cascade House stood for more than a century and after being abandoned, burned to the ground in the 1960s. The building is depicted on historic maps as early as 1852 and it is identified on several early maps as the “Lauman House” or simply as a hotel.

The Erie Railroad was constructed in the 1850s (in the area now encompassed by the APE) and an early station house associated with the railroad is depicted on a mid-19th century map within the APE on the east side of the river. By the early 1870s, a freight depot had been constructed farther to the east and a depot had been constructed to the southwest of the Cascade House, also within the APE. By the early 20th century, residences occupied by the Patterson and Rendez families had also been constructed to the south of the APE on the eastern side of the river. No historic maps depict any structures within the portion of the APE to the west of the river.

Because of the mid-19th century historic development in the eastern portion of the APE, most notably the establishment of the Cascade House, the foundations of which are still visible, the APE on the east side of the river was considered to have high sensitivity for historic-period archaeological resources.

#### *Cascade House Site*

In the vicinity of the extant foundation walls of the Cascade House, Phase I testing revealed a wide variety of intact cultural deposits dating to the historic period. Three clusters of archaeological resources, designated as Areas (loci) A, B, and C, were identified by archaeologists. These included 19th and 20th century cultural materials including artifacts associated with domestic usage (i.e., ceramics and glass) or architectural purposes (including window glass and nails), tentatively identified as associated with the Cascade House.

The Phase II investigations yielded additional historic-period deposits associated with the 19th and 20th century development of the eastern portion of the APE.

In Area A, deposits generally containing both glass and railroad hardware, including spikes and metal fragments, were found near the railroad right-of-way within multiple layers of coal slag and soil, indicating filling and grading episodes relating to railroad construction. A concrete footing was also uncovered, and appears to be the remnant of a railroad signal tower. A small assemblage of domestic items relating to the late 19th and early 20th centuries was also uncovered.

Material encountered in Area B north of the Cascade House yielded fewer domestic artifacts than encountered during the Phase IB testing and included very small architectural-related items (e.g., window glass, nails, and roofing material) associated with the former hotel structure. Though historic photographs of the Cascade House show an extensive two-story wrap-around porch and a walkway, no porch footings or evidence of the walkway were uncovered. It is possible that these features may have been removed along with the structural remains of the hotel after it was destroyed by fire. The foundations of the Cascade House are located outside the APE to the south.

Testing in Area C yielded the highest concentrations of artifacts. Material encountered was contained in a surface midden (or trash dumping area), the majority of which extends south beyond the limits of the APE. These materials consisted of a variety of domestic artifacts dating to the late 19th and early 20th centuries.

Phase II testing recovered an adequate sample of the historic-period material to assess the research potential of the three areas (A, B, and C) identified as part of the Cascade House Historic Site. No further archaeological excavations were recommended, and no NRHP-eligible cultural deposits were identified within the APE as tested.

Therefore, in summary, there are no NRHP-eligible archaeological resources within the APE.

#### **4.4.11-3-4 Historic Bridges**

As described above, the Portage High Bridge is listed on the S/NRHP as a contributing resource in Letchworth State Park in the direct effects portion of the APE.

#### **4.4.11-3-5 Historic Canals**

The former Genesee Valley Canal Cut is a contributing resource within Letchworth State Park. It was built on the east side of the river in 1850 as part of the Genesee Valley Canal project. As described above, the former canal extends along the east side of the Genesee River gorge. Construction of the Genesee Valley Canal commenced in 1836 to provide for the transportation of goods between the Allegany River and the Erie Canal in Rochester. The Genesee Valley Canal Cut in the indirect effects portion of the APE consists of a 60- to 100-foot-wide ledge cut into the side of the bluff to accommodate a 42-foot-wide canal trough and tow path. Construction of the canal cut was troubled with engineering challenges and failures due to the presence of the rugged terrain and the Portage Falls. The Genesee Valley Canal Cut is an approximately two-mile-long manmade ravine, commencing at the Middle Falls, and continuing south and parallel to the river. It passes under the Portageville Bridge and ends at the remains of the Portageville Aqueduct, which was constructed as part of the initiative to carry the canal across the Genesee River.

In 1880, the Genesee Valley Canal Railroad purchased the defunct canal, which had been closed since 1878. The rail line was built in the former canal bed and tow path between 1881 and 1883, and subsequently purchased by the Pennsylvania Railroad in 1902. The rail line was abandoned in 1963, and now forms part of the Genesee Valley Greenway Trail.

Remains associated with the canal cut include the canal bed itself and remnants of the Portageville Aqueduct located north of the Village of Portageville, such as the piers on both banks of the Genesee River and two freestanding piers in the river. Other historic remains include the stone walls of several remaining canal locks, and railroad elements, including railroad bed and ties.

Portions of the Genesee Valley Canal and canal locks outside the main park boundaries, including at the intersection of NY State Route 436 and Oakland Road approximately one mile east of the park, have also been determined S/NRHP eligible as part of a district.

#### **4.4.11-3-6 Historic Parkways**

There are no historic parkways located in the APE.

#### **4.4.11-4 EFFECTS ASSESSMENT**

This section of the DEIS presents the Project's effects on historic properties as identified through the Section 106 process and as described in the Section 106 Effect Finding Documentation prepared in accordance with 36 CFR 800.11(e) and included in **Appendix C**.

Under Section 106, it is the responsibility of federal agencies to avoid, minimize, or mitigate adverse effects of their actions to properties listed or determined eligible for listing in the S/NRHP. Every agency is required to fully explore alternatives that could avoid, minimize or mitigate adverse effects on such historic properties.

##### **4.4.11-4-1 Evaluation of Alternatives that Avoid or Minimize Effects to Historic Properties**

A number of alternatives were explored that would avoid or minimize adverse effects by retaining the existing railroad bridge on the Southern Tier route within Letchworth State Park. An analysis of these alternatives assessed the reasonableness of retaining the Portageville Bridge in relation to the Project's purpose and need. As described in Chapter 2, "Project Context," the bridge structure is at the end of its useful life as a freight rail structure and has inadequate loading capabilities. This restricts the type of traffic that can operate on it, and thereby impairs the utility of the entire segment of the Southern Tier route associated with the bridge. Due to its age and condition, unprecedented continuous monitoring has been installed, and inspections and maintenance are required on a more frequent basis than at other similar facilities. Such monitoring and maintenance are costly, time-consuming, and inefficient, as well as dangerous to undertake and requires safety measures be taken due to the bridge's height and location above the Upper Falls. In 2009, Norfolk Southern closed the Southern Tier route for three days to allow for an emergency inspection and repair of the bridge after a structural crack, broken rivets, and a broken structural I-bar were found on the bridge. Due to its condition, train speeds have been reduced from a typical 35 MPH limit to 10 MPH.

As described in greater detail in Chapter 3, "Project Alternatives," and summarized below, four potential Build alternatives that retain the Portageville Bridge, three of which would also avoid the need for impacts to other contributing elements of Letchworth State Park, were rejected because 1) they were not feasible—in other words, they could not be built as a matter of sound engineering practice; 2) they did not meet the Project's purpose and need; or 3) they presented engineering, operational, and environmental concerns that made them unreasonable. These potential alternatives, which were eliminated from further study, were as follows:

- Alternative 2: Repair / Retrofit Existing Bridge
- Alternative 5: New Bridge on Parallel Alignment / Convey Existing Bridge
- Alternative 7: Southern Alignment / Convey Existing Bridge
- Alternative 9: Reroute Rail Traffic / Convey Existing Bridge

##### *Alternative 2 (Repair / Retrofit Existing Bridge)*

Alternative 2 would involve repairing and retrofitting the existing bridge to the capacity needed to meet current and future freight transport needs (see discussion regarding Alternative 2 in Chapter 3). This would require each of the bridge's deficient members to be strengthened or replaced, which could impact the integrity of the historic bridge structure. This would allow the retention of the bridge (though would require alterations that may include removal and replacement of original structural members of the bridge) and preclude the need to alter other nearby contributing elements in the park, including the Park Road, the Highbridge Parking Area, the Gorge and Mary Jemison Trails, and stone walls. The necessary repairs and retrofits could not be feasibly undertaken while the Portageville Bridge is open to rail traffic, and therefore

Alternative 2 would involve closures of the existing bridge for certain rehabilitation activities, resulting in the rerouting and partial cessation of train traffic for up to 18 months. The rerouting of rail traffic would incur extensive costs and delays and result in the potential permanent loss of Norfolk Southern's affected customers. Repairing and retrofitting the bridge would also not effectively extend the bridge's useful life or improve the efficiency of rail operations. Even with repairs and retrofits, fatigue and corrosion would continue to degrade structural elements of the bridge, which would continue to incur substantial maintenance and inspection requirements, and would accelerate over time as the structure continues to age. This alternative does not meet the Project's purpose and need and was eliminated from further consideration.

*Alternative 5 (New Bridge on Parallel Alignment / Convey Existing Bridge)*

Alternative 5 would involve construction of a new rail bridge approximately 75 feet south of the existing bridge, with the existing bridge remaining for a non-railroad purpose under new ownership. The other changes to historic elements of Letchworth State Park (e.g., Park Road, Highbridge Parking Area, the two trails, and the historic marker) would be the same as with the Preferred Alternative. Rail tracks would be modified for about 1,200 feet on either side of the bridge to accommodate the new bridge alignment. Maintenance, repairs, and any modifications to the existing bridge would be the responsibility of the new owner. However, OPRHP has declined interest in acquiring the existing bridge and no suitable owner has been identified for the existing bridge. Moreover, while this alternative would allow the bridge to remain in place, it would not entirely avoid removal of some components of the existing historic bridge and the two side-by-side bridges would be more obstructive to scenic views than a single bridge, resulting in adverse visual impacts on Letchworth State Park. For these reasons, Alternative 5 was deemed to be unreasonable and was eliminated from further consideration.

*Alternative 7 (Southern Alignment / Convey Existing Bridge)*

Alternative 7 would involve constructing a new southern alignment for Norfolk Southern's Southern Tier route outside of Letchworth State Park (see discussion regarding Alternative 7 in Chapter 3). Under this alternative, the Portageville Bridge and other nearby contributing historic elements of the park would be retained, and the bridge would be conveyed to a new owner, who would be responsible for its repairs, maintenance, and other modifications since the bridge would no longer be used for rail purposes. This alternative would require construction of a new, 4.5-mile-long rail route and related infrastructure outside of the park and would have substantial impacts on adjacent land along the route. It would involve costs that would be substantially greater than other Project alternatives and would require substantial property acquisition. Further, OPRHP has made clear it cannot take on responsibility for the existing bridge and no suitable owner has been identified for the existing bridge. Alternative 7 does not meet the Project's purpose and need and was eliminated from further consideration.

*Alternative 9 (Reroute Rail Traffic / Convey Existing Bridge)*

Alternative 9 would cease using a substantial portion of Norfolk Southern's Southern Tier route and the Portageville Bridge and reroute rail freight traffic between Binghamton and Buffalo (see discussion regarding Alternative 9 – Reroute Rail Traffic/Convey Existing Bridge in Chapter 3). The bridge would be conveyed to a new owner, who would be responsible for its repairs, maintenance, and other modifications since the bridge would no longer be used for rail purposes. This alternative would require that rail freight traffic use alternative routes between Binghamton and Buffalo, which would restrict or remove rail freight service to a number of communities, negatively affecting the region's economy. Further, no suitable owner has been identified for the existing bridge. Alternative 9 does not meet the Project's purpose and need and was eliminated from further consideration.



#### 4.4.11-4-2 Effect Assessment for Project Alternatives

The effects of the alternatives that have been carried forward for analysis in this DEIS are presented below.

##### *No Action Alternative*

The No Action Alternative would have no effect on archaeological resources, as there would be no ground disturbance or excavation. Any archaeological resources would remain buried and undisturbed. The No Action Alternative would also not affect historic resources, as the Portageville Bridge and other nearby contributing resources to Letchworth State Park would be retained and the context of these contributing historic resources within Letchworth State Park not altered. As described in Chapter 3, "Project Alternatives," this alternative would not meet the Project's purpose and need.

##### *Preferred Alternative—New Bridge on Parallel Alignment / Remove the Existing Bridge*

###### *Archaeological Resources*

As described above, no NRHP-eligible archaeological deposits were identified within the APE. In their letter of May 23, 2011, the SHPO concurred with the Phase II report conclusions that the research potential of the Cascade House Site in the APE had been exhausted and indicated they had no further archaeological concerns with the Project. In their February 24, 2011 letter, the Seneca Nation of Indians Tribal Historic Preservation Office indicated that they had no further concerns with the Project's effects on historic and cultural resources, based on review of the provided archaeological survey reports. Based on the March 20, 2014 Consulting Party meeting and further consultation with FHWA, the Seneca Nation of Indians Tribal Historic Preservation Office made a finding of No Adverse Effect in a letter dated May 20, 2014.

###### *Historic Resources*

The Preferred Alternative would result in the removal and demolition of the Portageville Bridge, including its support piers in the Genesee River and the removal, relocation, and alteration of certain other contributing resources in the park to construct the new bridge. **Table 4.4.11-1** depicts contributing resources to Letchworth State Park and indicates those resources that would be removed, relocated, or altered as part of the Preferred Alternative.

In addition to the demolition and removal of the Portage High Bridge, direct effects to contributing resources to Letchworth State Park are as follows:

- The removal and relocation of the southern trailheads of the Gorge Trail and Mary Jemison Trail, each located partially within Norfolk Southern's right-of-way.
- The removal and relocation of the Highbridge Parking Area west of Park Road and just south of the Portageville Bridge, located partially within Norfolk Southern's right-of-way. As the Highbridge Parking Area is located within the new railroad right-of-way of the Preferred Alternative, the parking area would be removed and relocated to parkland north of the railroad right-of-way.
- The reorientation of a portion of Park Road at the Portageville Bridge. The Preferred Alternative would result in a westward shift of approximately 700 linear feet of Park Road. The westward shift is required to move the road out of the area where the new bridge foundations are proposed in the western gorge wall.
- The removal and relocation of the historic marker at the Highbridge Parking Area. When the Highbridge Parking Area is relocated under the Preferred Alternative, the historic marker would also have to be relocated.

- The removal of historic fieldstone walls along the portion of the Park Road to be shifted at the Portageville Bridge and at the trailhead of the Gorge Trail that would be removed and relocated.

**Table 4.4.11-1**  
**Summary of Changes to Contributing Resources**  
**to NRHP-Listed Letchworth State Park**

<b>Name</b>	<b>Location</b>	<b>Changes with Preferred Alternative</b>
Portage High Bridge	Crosses the Genesee River	Demolition and removal
Glen Iris Inn and Associated Resources	West side of the Genesee River, north of the Portage High Bridge and west of the Park Road	Minor changes to viewshed, no physical changes
Gorge Trail (Trail #1)	West side of the Genesee River along the gorge	Removal and relocation of southern trailhead
Mary Jemison Trail (Trail #2)	Extends between the Highbridge Parking Area and Council Grounds on the west side of the Genesee River	Removal and relocation of southern trailhead
Genesee Valley Greenway/Finger Lakes Trail (Trail #7)	East side of the Genesee River along the gorge, crosses beneath the Portage High Bridge	Minor changes to viewshed, no physical changes
Genesee Valley Canal Remnants	East side of Genesee River	No change
Park Road	West side of the Genesee River, crosses beneath the Portage High Bridge	Removal and shift of 700 linear feet of the roadway
Highbridge Parking Area and Historic Marker	West side of the Genesee River, south of Portage High Bridge and west of Park Road	Removal and relocation
Upper and Middle Falls Picnic Area Resources	West side of the Genesee River, north of the Portage High Bridge	No changes
Fieldstone Walls	West side of the Genesee River, border Park Road and Gorge Trail (Trail #1)	Removal of sections

The Project would not result in direct effects to other contributing resources in Letchworth State Park. As described above, the Glen Iris Inn and its surrounding property is located approximately ½ mile north of the Portageville Bridge in the indirect effects portion of the APE, with limited visibility of the bridge from the Glen Iris stone terrace (see **Figure 4.4.13-5** of Chapter 4.4.13, “Visual Resources”). In most locations, the Portageville Bridge is not visible from the Genesee Valley Greenway/Finger Lakes Trail, which runs along on the east side of Genesee River and crosses beneath the Portageville Bridge, due to trees and dense vegetation though it is visible where the trail passes beneath it and at the edge of the gorge (see **Figure 4.4.13-10** of Chapter 4.4.13, “Visual Resources”).

Other contributing elements in the indirect effects portion of the APE include the Upper and Middle Falls picnic area including parking lots, comfort stations, picnic shelters, stone picnic tables, water fountains and stairs; and the scenic overlooks. The Portageville Bridge is visible from the Middle Falls Overlook and at the edge of the Upper and Middle Falls Picnic Area along the gorge, but with limited visibility from within the interior portion of this recreational area (see **Figures 4.4.13-4, 4.4.13-7 and 4.4.13-8** of Chapter 4.4.13, “Visual Resources”).

### *Assessment of Effects*

The Project would change the park's setting in the area where direct effects would occur and in proximity to this area, as the alignment of the railroad right-of-way in the park would shift to the south by approximately 75 feet. However, the railroad, its alignment, and infrastructure, including a bridge crossing the Genesee River gorge, have been part of the setting of the park since the mid-19th century. The replacement bridge would be anticipated to have similar visibility from different vantage points in the park as the Portageville Bridge, since the replacement bridge would cross the gorge close to the existing bridge alignment and because of its location to the south, would appear to be at a lower elevation than the existing bridge in the viewshed (see visual simulations contained in **Figures 4.4.13-12 to 4.4.13-19** of Chapter 4.4.13, "Visual Resources").

As described in Chapter 4.5, "Construction Impacts," construction activities associated with the Project would not result in adverse indirect effects related to vibration or airborne noise on surrounding areas. However, measures would be taken during construction to avoid accidental damage to nearby contributing resources to Letchworth State Park outside of the construction zone, as described below. As described in Chapter 4.4.17, "Noise," an evaluation of noise levels associated with operation of the Project was also undertaken. With the Preferred Alternative, train speeds on the new bridge would increase from 10 MPH to 35 MPH approaching and traversing the bridge. Operation of the Project would not result in noise impacts that would be considered severe, and, therefore, would not cause adverse audible effects to Letchworth State Park.

The Preferred Alternative would include demolishing the existing Portageville Bridge, and permanently altering other contributing resources of Letchworth State Park, including the Gorge and Mary Jemison Trails, Highbridge Parking Area and Historic Marker, Park Road, and fieldstone walls, either through removal, relocation or modification as described above. These changes contribute to the evaluation of the Project's adverse effect on Letchworth State Park.

### *Effect Finding*

NYSDOT, in coordination with FHWA and in consultation with the SHPO, applied the Criteria of Adverse Effect (36 CFR 800.5(a)(1)) to identified historic properties within the APE, resulting in a finding of **Adverse Effect** for the Preferred Alternative, due to the proposed removal and demolition of the existing Portageville Bridge and removal and alterations of other contributing resources within Letchworth State Park. The Section 106 Finding Documentation is included in **Appendix C**.

NYSDOT provided the Finding Documentation for review by the SHPO, and following SHPO concurrence with an Adverse Effect on February 20, 2014, NYSDOT requested FHWA concurrence. By letter dated March 5, 2014, FHWA advised the ACHP of the Adverse Effect finding, providing a copy of the Finding Documentation, SHPO written concurrence, and the Preliminary Draft MOA, and invited the ACHP to participate in consultation.

On March 6, 2014, NYSDOT distributed the Finding Documentation to the Tribal Nations and other Consulting Parties, and also provided the Preliminary Draft MOA for 30-day review. A meeting was held on March 20, 2014 to seek and consider views of the Consulting Parties regarding the resolution of the Project's adverse effects on historic properties.

**Appendix C** includes a transcript of the March 6, 2014 Consultation Party meeting, and correspondence documenting consultation. Based on this meeting, and subsequent discussion with the SHPO, the ACHP declined to formally participate in consultation.

Views articulated in the Consulting Party meeting and written comments received by the end of the 30-day review period were considered by FHWA and NYSDOT, with the result of minor

changes to the Preliminary Draft MOA, and distribution of the revised Draft MOA to Consulting Parties in advance of the publication of this DEIS. The Draft MOA, including a list of Consulting Parties in the Section 106 process, is included in **Appendix C**.

FHWA formally issued an Adverse Effect determination for the Project on May 30, 2014.

#### **4.4.11-5 SUMMARY OF MITIGATION**

Measures to mitigate adverse effects on historic properties for the Preferred Alternative have been developed through consultation among Norfolk Southern, OPRHP, the SHPO, and NYSDOT in accordance with the SHPA and among those parties, FHWA, and Consulting Parties in compliance with Section 106. These proposed measures are described below and are set forth in the draft MOA provided in **Appendix C** to this DEIS.

##### **4.4.11-5-1 Measures to Avoid and Minimize Effects**

###### *Archaeological Resources*

The foundation remains and most of the surrounding Cascade House property lie outside the APE. Therefore, an Avoidance Plan was prepared to ensure that construction disturbance does not inadvertently occur south of the APE in the Cascade House Historic Site. The limits of the APE (the construction limits) have been marked in the field and the Avoidance Plan stipulates that construction fencing will be placed along the perimeter of the construction limits marked in the field and as indicated on site plans.<sup>7</sup> The SHPO concurred with the recommendations set forth in the Avoidance Plan in a letter dated September 14, 2012.

In addition, staging area limitations will be placed on the parcel on the east approach to the Portageville Bridge between Portageville Road and the existing Norfolk Southern right-of-way, to ensure that no subsurface activities occur. This parcel lies in a potentially historically sensitive area and the type or limits of cultural resources have not been determined.

###### *Historic Resources*

In addition to the contributing resources located in the direct effects portion of the APE that could be directly affected by the Project, other contributing resources are located outside of the direct effects portion of the APE but in close proximity to possible Project construction, including portions of the Gorge, Mary Jemison, and Genesee Valley Greenway/Finger Lakes Trails and fieldstone walls. In order to avoid accidental damage to adjacent resources as a result of construction activities associated with the removal of the existing Portageville Bridge and construction of the new Genesee River railroad crossing, Norfolk Southern will prepare a Construction Protection Plan (CPP). The CPP will describe the measures to be implemented to protect historic park features from vibration, excavation, and damage from heavy equipment, and to control and manage fugitive dust, erosion, noise, lighting and visual effects of construction activities to the extent practicable.

###### *Cultural Enhancement*

In response to a request made by the Seneca Nation of Indians in consultation with FHWA, Norfolk Southern has offered to provide funding for the creation of an interpretive kiosk in Letchworth State Park as a cultural enhancement, to acknowledge the cultural importance of the

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<sup>7</sup> The construction limits that have been marked in the field will be field checked and remarked as necessary prior to construction to ensure accuracy.



area to the Seneca Nation of Indians. The location and design of the kiosk will be determined by OPRHP in coordination with the Seneca Nation of Indians.

#### **4.4.11-5-2 Resolution of Adverse Effects**

The Preferred Alternative would have an adverse effect on Letchworth State Park. As has been described above in Section 4.4.11-3, "Effects Assessment," alternatives were considered to avoid and minimize adverse effects to Letchworth State Park. An Adverse Effect finding requires consultation to resolve adverse effects, and, therefore, measures have been proposed to mitigate the adverse effect. The proposed measures to mitigate adverse effects are included in the Draft MOA. Execution of the MOA and implementation of the measures contained therein fulfill the requirements set forth in 36 CFR 800. Measures to avoid, minimize and mitigate adverse effects included in the Draft MOA include the following:

- Educational and Interpretive Materials at Letchworth State Park. Norfolk Southern will provide certain funding to the New York State Natural Heritage Trust for the preparation of the following educational and interpretive materials at Letchworth State Park: an interpretive plan; the salvage, conservation, and installation of a part of the base of Pier 11 of the Portageville Bridge; the creation and installation of two interpretive kiosks; and the creation of a museum exhibit.
- Historic American Engineering Record (HAER)-Level Recordation. Norfolk Southern will provide certain funding for the preparation of additional HAER-level recordation of the Portageville Bridge, including additional archival photography and a narrative that describes the physical characteristics of the Portageville Bridge and its history.
- Restoration of Portions of the Gorge Trail. For the portion of the Gorge Trail that will be relocated for the Project, Norfolk Southern will salvage to the extent feasible, stone from the walls, for reuse along the relocated portion of the Gorge Trail. Norfolk Southern will also provide certain funding to OPRHP for its restoration of the existing Gorge Trail between the proposed construction zone for the Project and the Middle Falls (outside the Project limits), as identified as necessary by OPRHP.
- Implementation of Avoidance Plan. Norfolk Southern will implement the recommendations contained in the Avoidance Plan, described above, for the protection of the Cascade House Historic Site.
- Development of Construction Protection Plan. To avoid inadvertent Project-related construction damage to historic park features, Norfolk Southern will, as described above, develop a Construction Protection Plan in consultation with OPRHP for historic properties and ensure its provisions are implemented by the Project contractors.